IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5379 of 2007()

CMP.2669/2007 of J.M.F.C.-I, CHENGANNUR
[CRIME NO. 356/2007 OF CHENGANNUR POLICE STATION]

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PETITIONER/ACCUSED IN CRIME NO.356/2007

ANIL @ KUNJUMON, S/O.RAGHAVAN,
AGED 36, RESIDING AT PANDIPPUZHAYATHULEKHAM VEEDU,
COLONY, VANAVATHUKKARA MURI, CHENGANNUR TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CR.356/2007

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5379 of 2007

Dated this the 10th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 302 I.P.C. The alleged incident took place on 9/6/2007. Four persons allegedly brought the injured in a precarious condition to the house of his sister. She lodged the F.I.R making allegations against those four persons. In the course of investigation, police have come to the conclusion that those four persons are not in any way responsible for the injuries suffered by the victim. The victim, who was admitted in the hospital on 09/06/2007 breathed his last on 18/6/2007. Investigation has revealed that the injuries suffered by the deceased were caused by the petitioner. He has been arrayed as the sole accused. Subsequently he was arrested on 28/6/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that even if the entire allegations were accepted, it is evident that there was no prior motive at all. No weapon had been used also. They had consumed alcohol. In the course of a wordy quarrel, the petitioner had allegedly

pushed the deceased and throw him to the cement post. That is how, the deceased had been allegedly suffered injuries. Investigation is in progress. Final report has not been filed yet. The petitioner continues in custody from 28/6/2007.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner who continues in custody from 28/6/2007 can now be enlarged on bail subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007